

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**STEVEN BERRY LOTT**

**PLAINTIFF**

**V.**

**NO. 4:14-CV-00028-DMB-SAA**

**COMMISSIONER OF SOCIAL  
SECURITY**

**DEFENDANT**

**ORDER ADOPTING REPORT AND RECOMMENDATION**

On May 13, 2014, this Court entered an order granting Plaintiff's motion to remand this matter pursuant to sentence six of the Social Security Act, 42 U.S.C. § 405(g). Doc. #8. On November 2, 2015, Plaintiff filed a motion for authorization of attorney's fees, representing:

After remand by this Court, an administrative law judge (ALJ) issued a favorable decision on July 24, 2015 finding the plaintiff disabled as of January 2011. The social security [sic] has issued a Notice of Award finding that the plaintiff was due past due benefits.

Doc. #9 at ¶ 2. The motion seeks a fee authorization in the amount of \$2,623.25. *Id.* at ¶ 8.

Two weeks later, on November 16, 2015, Defendant filed a response "declin[ing] to assert a position on the reasonableness of Plaintiff's request." Doc. #10 at 6. On March 28, 2016, following a referral of this motion, United States Magistrate Judge S. Allan Alexander issued a Report and Recommendation finding "that plaintiff's request is eminently reasonable for the services rendered" and recommending "that the motion for ... fees be granted." Doc. #11 at 2. The Report and Recommendation directed that written objections be filed within fourteen days and warned that "failure to file written objections ... bars [a] party from ... entitlement to *de novo* review by a district judge proposed findings and recommendations." *Id.* at 3.

More than fourteen days have passed since the issuance of the Report and Recommendation and no party has filed objections to Judge Alexander's recommendations.

Accordingly, this Court's review of the Report and Recommendation is limited to plain error. *See Molina-Uribe v. United States*, No. B:97-97, 2009 WL 3535498, at \*15 (S.D. Tex. Sep. 10, 2009) ("In the absence of plain error, a party's failure to object timely to a Magistrate Judge's Report and Recommendation waives any right to further judicial review of that decision.") (citing *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1428-29 (5th Cir. 1997)). The Court has reviewed the Report and Recommendation and has found no plain error.

Therefore, the Report and Recommendation is **APPROVED and ADOPTED** as the opinion of the Court. Plaintiff's motion for attorney's fees [9] is **GRANTED**. Defendant is directed to disburse \$2,623.25 in attorney's fees to Plaintiff's counsel.

**SO ORDERED**, this 4th day of May, 2016.

/s/ Debra M. Brown  
**UNITED STATES DISTRICT JUDGE**